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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,620	12/19/2000	R. Alan Neely	4156-006	5816

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EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/741,620	<b>Applicant(s)</b> NEELY ET AL.	
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-153 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-153 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Summary

On July 13, 2005, an Office Action was sent to the Applicant rejecting claims 1-153. On November 16, 2005, the Applicant responded with common ownership arguments to overcome the Neely reference.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-153 are rejected under 35 U.S.C. 102(e) as being anticipated by Virgin (6,826,542).

Virgin discloses system and corresponding method for electronic invoicing comprising an electronic invoicing payment system and corresponding method comprising an automated electronic invoicing and payment consolidation system for providing remote customer review of customer account information from at least two invoicers, a consolidated invoicer interface wherein said invoicer interface includes at least one access point to each of the invoicers, means for setting said access point of each of the invoicers for at least one customer, and means for authentication of each of said customers, and a remote customer interface for accessing said consolidated

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invoicer interface (col.2, lines 23-67); a payment engine, wherein customer payment instructions are sent from the customer directly to each of the invoicers, said payment engine including: invoice presentation electronics adapted to present customer billing data for customer review and to request payment instructions relating to automated billing to said customer; and a remote electronic customer authorization interface adapted to: receive the customer billing data for customer review and the request for payment instructions from said invoice presentation electronics provide the customer billing data and the request for payment instructions to the customer; receive customer payment instructions from the customer in response to the request for payment instructions, transmit the customer payment instructions from the customer directly to each of the invoicers, said payment instructions including at least an invoice account number and an associated customer payment account (col.2, line 23-67; col.11, line 40 to col.12, line 46; and fig. 5b, 6b, and 11—all); payment source is a clearing house (col.6, line 29 to col.8, line 36); clearing house is a courier (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include transmission date (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include amount to draft from customer associated financial institution (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include account information associated with the customer from which to draft payment (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include account information associated with each of the invoicers from which to deposit payment (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data includes invoicer billing

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information (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing information includes a due date (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing information includes an amount due (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing information includes a list of goods or services provided during a billing period (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing information includes a late charge (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing information includes account information (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data includes customer information (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); customer information includes customer name (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); customer information includes customer address (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); customer information includes account information for the customer (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data includes a customer account identifier (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data includes an invoice identifier (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); invoice presentment electronics further includes invoice information relating to customer bills and account information relating to financial institutions associated with the customer from which payments may be drafted (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); invoice presentment electronics further includes preauthorized payment instructions for automated payment of a billing amount set out in said billing information from an account set out in said account information (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); the request for

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payment instructions from said invoice presentment electronics query the customer if the preauthorized payment instructions are desired for the billing data presented (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); the request for payment instructions from said invoice presentment electronics query the customer if the preauthorized payment instructions need modification for the billing data presented (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); customer authorization interface includes an editor for modifying the preauthorized payment instructions (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); the account information includes account information from a plurality of financial institutions and the request for payment instructions query the customer to select the financial institution from which to draft payment for an associated customer bill (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); invoice presentment electronics includes a preauthorized default identifying the financial institution from which to draft payment for said associated customer bill (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); electronic customer authorization interface is adapted to receive a customer input to accept the preauthorized default (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); electronic customer authorization interface is adapted to receive a customer input to modify the preauthorized default (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); request for payment instructions include billing information selected from the group consisting of amount due, time of payment, account from which to draft payment (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); customer authorization interface is adapted to modify the billing information to change one or more of the group

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consisting of amount due, time of payment and account from which to draft payment (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data include notices for the customer (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); billing data include advertising information directed towards the customer (col.11, line 40 to col.12, line 46 and fig. 5b, 6b, and 11—all—has capability to include advertising); billing data include control information (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include a date to draft payment (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); payment instructions include an amount of invoice (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); each of the invoicers provide a customer accessible site for receiving said billing data and said request for payment instructions, said site accessible from said electronic customer authorization interface (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); customer accessible site is an Internet site and said electronic customer authorization interface includes a browser for accessing said customer accessible site (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); electronic customer authorization interface is an automated teller machine (col.4, lines 40-60); electronic customer authorization interface is a remote kiosk (col.4, lines 40-60); electronic customer authorization interface is a personal computer (col.4, lines 40-60); electronic customer authorization interface is an interactive television (col.4, lines 40-60); electronic customer authorization interface is a telephone (col.4, lines 40-60); electronic customer authorization interface is a computer, said billing data and said request for payment instructions are presented by e-mail to the customer and the

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customer payment instructions are provided by a customer e-mail (col.4, lines 40-60); electronic customer authorization interface includes a display for presenting said billing data and said request for payment instructions and a customer actuable input for receiving customer payment instructions (col.11, line 40 to col.12, line 46 and fig . 5b, 6b, and 11--all); electronic customer authorization interface includes audio electronics and a speaker for presenting said billing data and said request for payment instructions and a customer actuable input for receiving customer payment instructions (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); electronic customer authorization interface is adapted to allow a customer to poll said invoice presentment electronics to receive said billing data and said request for payment instructions (col.2, line 23-67; col.11, line 40 to col.12, line 46; and fig. 5b, 6b, and 11—all); remote customer interface includes an access program and a server connection (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); access program is an Internet server (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); server connection is an Internet server connection (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); Internet server connection is an Internet dial-up connection (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); a consolidated invoicer interface for an automated electronic invoicing and payment system for providing remote customer review of customer account information from at least two invoicers, at least one access point to each of the invoicers, means for setting said access point of each of the invoicers for at least one customer, means for authentication of each of said customers, and means for



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automatically requesting account information for said customers directly from each of the invoicers (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); at least one access point to one of the invoicers is the invoicer's URL (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); at least one access point to one of the invoicers further includes a plurality of access points to each invoicer (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); each of said access points of each of said invoicer's are a URL at a portal site (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for setting an access point of each of the invoicers includes a transfer of invoicer's URL from invoicer's Web site (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); the means for setting an access point of each of the invoicers further includes a collection of access points for providing a directory of accessible portals and invoicers (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); collection of access points includes at least one of an invoicer's URLs, portal URLs and payment engine URLs (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for setting the access point of each of the invoicers further includes means for setting up payment of the customer (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for setting up the payment of the customer is at the portal (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for setting up the payment of the customer is a data entry point at the invoicer (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for setting up the payment of the customer is at the invoicer's

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payment engine (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for authentication is stored on a portal (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for authentication stored on portal is a name/password pair (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for authentication stored on portal further includes invoicer authentication (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); invoicer authentication is a name/password pair (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for authentication is invoicer authentication (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); invoicer authentication is stored on invoicer's site (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); invoicer authentication stored on invoicer's site is a name/password pair (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); means for automatically requesting customer account information is a URL request to invoicer's Web site (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); customer account information includes invoicer content (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); content includes at least one of the following: current bill summary, billing/payment history summary, invoicer notice/messages summary notes or detail (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); customer account information includes purchase orders (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); customer account information includes shipping documents (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig

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. 5b, 6b, and 11--all); data format of said customer account information is at least one of the following: XML, EDI, graphic, text and IFX/OFX (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); an automated electronic invoicing and payment consolidation system for providing remote customer review of customer account information from at least two invoicers, a consolidated invoicer interface wherein said invoicer interface includes: at least one access point to each of the invoicers, means for setting said access point of each of the invoicers for at least one customer, means for authentication of each of said customers, means for automatically requesting account information for said customers directly from each of the invoicers, a remote customer interface for accessing said consolidated invoicer interface, and a payment engine wherein the customer payment instructions are sent from the customer directly to each of the invoicers, said payment engine including: invoice presentation electronics adapted to present customer billing data for customer review and to request payment instructions relating to automated billing to said customer, and a remote electronic customer authorization interface adapted to: receive the customer billing data for customer review and the request for payment instructions from said invoice presentation electronics, provide the customer billing data and the request for payment instructions to the customer, receive customer payment instructions from the customer in response to the request for payment instructions, and transmit the customer payment instructions from the customer directly to each of the invoicers, said payment instructions including at least an invoice account number and an associated customer payment account (col.2, lines 23-67; col.11, line 40 to col.12,

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line 46; and fig . 5b, 6b, and 11--all); a method for automated electronic invoicing and payment consolidation system for providing remote customer review of customer account information from at least two invoicers, providing a consolidated invoicer interface wherein said invoicer interface includes: at least one access point to each of the invoicers, means for setting said access point of each of the invoicers for at least one customer, and means for authentication of each of said customers, and accessing said consolidated invoicer interface through a remote customer interface (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); a method for invoicing and payment consolidation system for providing remote customer review of customer account information from at least two invoicers using a consolidated invoicer interface, providing at least one access point to each of the invoicers, setting said access point of each of the invoicers for at least one customer, authenticating each of said customers, and automatically requesting account information for said customers directly from each of the invoicers (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all); and a method for automated electronic invoicing and payment consolidation system for providing remote customer review of customer account information from at least two invoicers, providing a consolidated invoicer interface wherein said invoicer interface includes at least one access point to each the invoicers, means for setting said access point of each of the invoicers for at least one customer, means for authentication of each of said customers, and means for automatically requesting account information for said customers directly from each of the invoicers, accessing said consolidated invoicer interface a remote customer

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interface, and sending the customer payment instructions from the customer directly to each of the invoicers, said payment engine including invoice presentation electronics adapted to present customer billing data for customer review and to request payment instructions relating to automated billing to said customer, and a remote electronic customer authorization interface adapted to: receive the customer billing data for customer review and the request for payment instructions from said invoice presentation electronics, provide the customer billing data and the request for payment instructions to the customer; receive customer payment instructions from the customer in response to the request for payment instructions, and transmit the customer payment instructions from the customer directly to each of the invoicers, said payment instructions including at least an invoice account number and an associated customer payment account (col.2, lines 23-67; col.11, line 40 to col.12, line 46; and fig . 5b, 6b, and 11--all).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-153 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'LMH' with a stylized flourish.

LMH